IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4875 OF 2005

Dilip S. Desai ... Petitioner

V/s.

M/s.Youth for Unity and
Voluntary Action (YUVA) & Ors. ... Respondents

Mr.S.S. Manale for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 4, 2005**

P.C.:

. The Industrial Court after consideration of the facts before it, has rejected the interim application filed by the Petitioner. According to the Petitioner, he has been transferred from Mumbai to Nagpur malafidely and, therefore, a complaint has been filed under Items 3 and 9 of Schedule II of the MRTU & PULP Act. The Industrial Court has found that there was a clause of transfer in his appointment letter issued in 1999. The Petitioner insists that he has been working in the establishment prior thereto and therefore, the appointment letter of 1999 ought not to be considered but his service conditions which prevailed when he was appointed should be taken into consideration. There is nothing on record to show that prima facie he had

challenged the issuance of the appointment letter in 1999. The Industrial Court having considered the facts on record has found prima facie that the action of transfer is not malafide on the part of the Respondents and has, therefore, dismissed the application.

2. I see no infirmity in the impugned order. The findings are absolutely prima facie and the Petition is, therefore, rejected.